REMARKS

Claims 1-57 are pending in the present application. Claims 1, 9, 20, 28, 39, and 47 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 3, 22, 41 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirements. The Office Action states:

> The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
>
> As to claims 3, 22, 41, the term "the registry is overwritten " [sic.] was not described in the specification.

Office Action, dated October 8, 2003. Applicant respectfully disagrees. Claims 3, 22, and 41 were presented in the original disclosure. Therefore, there is no question that the inventors had possession of the invention recited in claims 3, 22, and 41 at the time the application was filed.

Furthermore, the original specification on page 18, lines 5-14, described the manner in which the registry is change based on the last repository registration for a given subtree. However, this portion of the disclosure is amended to more clearly describe the limitations of claims 3, 22, and 41. Since claims 3, 22, and 41 were presented as part of the original disclosure, no new matter is added by this amendment.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph is overcome.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 1-4, 9, 16, 17, 20-23, 28, 35, 36, 39-42, 47, 54, and 56 under 35 U.S.C. § 103 as being unpatentable over *Spofford et al.* (US Patent No. 5,913,037) in view of *Whitehead et al.* (US Patent No. 6,085,030). This rejection is respectfully traversed.

With respect to claim 1, the Office Action states:

> As to claim 1, Spofford teaches OID (OID, col 2, ln 59-67, col 6, ln 1-45, col 4, ln 1-9, col 7, ln 20-62, col 8, ln 15-52), abstraction layer

> (MIB manager, (OID, col 2, ln 59-67/ col 6, ln 1-45/ col 4, ln 1-9/ col 7, ln 20-62/col 8, ln 15-52/ col 11, ln 1-30/ col 12, ln 40-67), an OID tree structure (col 2, ln 59-67/ col 6, ln 1-45/ col 4, ln 1-9/ col 7, ln 20-62/col 8, ln 15-52/ col 11, ln 1-30/ col 12, ln 40-67).
>
> Spofford does not teach a registry, a repository. However, Whitehead teaches registry, repository (col 4, ln 35-67/ col 5, ln 1-30, col 7,l n 20-67/ col 8,l n 5-45/ col 9, ln 5-30/ col 10, ln 5-40).
>
> It would have been obvious to apply the teaching of Whitehead to Spofford in order to provide a system for managing the locations, distribution and access of various software, hardware, and data components and component object modes distributed in a computer network.

Office Action, dated October 8, 2003. Applicant respectfully disagrees. *Spofford* teaches a dynamic management information base manager. A management information base (MIB) manager allows agents to add or delete objects to any level within the MIB tree by object identifier (OID). See *Spofford*, Abstract. The MIB manager is a set of software interfaces, semantics, procedures, and data structures that work together to dynamically manage a tree of simple network management protocol (SNMP) data objects identified by an OID along with each object's value. SNMP is the only protocol contemplated by *Spofford*.

In contradistinction, the present invention provides a mechanism for maintaining a logical composite repository of OID tree structures using a plurality of protocols. Claim 1, as amended, recites:

> 1. A method on a server in a distributed data processing system for maintaining a logical composite repository of Object Identifier (OID) tree structures, the method comprising the steps of:
>
> receiving, in an OID abstraction layer, an OID tree structure from a repository; **wherein the OID abstraction layer is capable of receiving queries for objects in two or more different protocols;**
>
> registering the OID tree structure with a registry associated with the OID abstraction layer; and
>
> adding the OID tree structure to a repository associated with the OID abstraction layer. [emphasis added]

Spofford does not teach or suggest an OID abstraction layer. More particularly, *Spofford* does not teach or suggest an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1.

Whitehead teaches a network component server that provides an object-neutral global component registry. See *Whitehead*, Abstract. Whitehead does not teach or suggest an OID abstraction layer that receives an OID tree structure from a repository and registers the tree structure with a registry associated with the OID abstraction layer, as recited in claim 1. More particularly, *Whitehead* does not teach or suggest an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1. Therefore, *Whitehead* does not make up for the deficiencies of *Spofford*.

The applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation. Therefore, claim 1 is not rendered obvious by the proposed combination of *Spofford* and *Whitehead*. Independent claims 9, 20, 28, 39, and 47 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2-4, 16, 17, 21-23, 35, 36, 40-42, and 54-56 depend from claims 1, 9, 20, 28, 39, and 47, the same distinctions between *Spofford* and *Whitehead* and the invention recited in claims 1, 9, 20, 28, 39, and 47 apply for these claims. Additionally, claims 2-4, 16, 17, 21-23, 35, 36, 40-42, and 54-56 recite other additional combinations of features not suggested by the reference.

More particularly, with respect to claim 56, the Office Action states:

As to a computer program of claim 56, see the rejection of claim 18.

Office Action, dated October 8, 2003. Applicant respectfully disagrees. Claim 18 is rejected under a different grounds of rejection. Applicant assumes that claim 56 is intended to be included in the same rejection that addresses claim 18.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Spofford* and *Whitehead* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the

an impermissible use of hindsight with the benefit of Applicant's disclosure a model for the needed changes.

Therefore, the rejection of claims 1-4, 9, 16, 17, 20-23, 28, 35, 36, 39-42, 47, 54, and 56 under 35 U.S.C. § 103 is overcome.

The Office Action rejects claims 5-8, 10-15, 18, 24-27, 29-34, 37, 43-46, and 48-53 under 35 U.S.C. § 103 as being unpatentable over *Spofford* in view of *Whitehead* and further in view of *Ferguson* (US Patent No. 6,085,030). This rejection is respectfully traversed.

Ferguson does generally teach application program interfaces (API) and, more specifically, teaches an API that includes at least one callable element that is capable of accessing a component of a repository in response to being called and a driver that is capable of translating a database language statement, such as an SQL statement, into an executable API sequence. However, *Ferguson* does not teach or suggest an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1. Therefore, Ferguson does not make up for the deficiencies of *Spofford* and *Whitehead*. As such, the proposed combination of *Spofford*, *Whitehead*, and *Ferguson* cannot render obvious the present invention, as further limited by claims 5-8, 10-15, 18, 24-27, 29-34, 37, 43-46, and 48-53. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 5-8, 10-15, 18, 24-27, 29-34, 37, 43-46, and 48-53 are not rendered obvious by the proposed combination of *Spofford*, *Whitehead*, and *Ferguson*.

Therefore, the rejection of claims 5-8, 10-15, 18, 24-27, 29-34, 37, 43-46, and 48-53 under 35 U.S.C. § 103 is overcome.

The Office Action rejects claims 19, 38, and 57 under 35 U.S.C. § 103 as being unpatentable over *Spofford* in view of *Whitehead* and further in view of admitted prior art (APA). This rejection is respectfully traversed.

With respect to claim 19, the Office Action states:

> **As to claim 19,** Spofford does not teach (CIM/XML). However, APA teaches CIM (col. 2, ln 10-18)/ CIM/XML (page 3, ln 1-14).
>
> It would have been obvious to apply the teachings of APA to Spofford in order to allow different management applications to collect the required data from a variety of sources.

Office Action, dated October 8, 2003. Applicant respectfully disagrees. There is no suggestion or motivation whatsoever in Spofford for using CIM/XML. The MIB manager of Spofford is incapable of processing queries in CIM/XML protocol. The mere fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989) and also *see In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) and *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1993). The Office Action may not merely state that the modification would have been obvious to one of ordinary skill in the art without pointing out in the prior art a suggestion of the desirability of the proposed modification. In this case, the only suggestion or motivation for making the proposed modification is found in Applicant's own specification. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed modification, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure a model for the needed changes.

Claims 38 and 57 recite subject matter addressed above with respect to claim 19 and are allowable for the same reasons. Therefore, the rejection of claims 19, 38, and 57 under 35 U.S.C. § 103 is overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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